

APPROVED: Meeting No. 29-92

ATTEST: 

MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
Meeting No. 27-92

July 13, 1992

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on July 13, 1992, at 7:30 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember James F. Coyle

Councilmember Rose G. Krasnow

Councilmember James T. Marrinan

Councilmember David Robbins

In attendance: City Manager Bruce Romer, City Clerk Sharon Gran and City Attorney Paul Glasgow.

Mayor Duncan stated that a member of the City's Board of Supervisors of Elections, John Keefe, passed away last week and expressed the City's sincere condolences to his wife, Virginia.

Re: City Manager's Report

1. Last Wednesday, there was a severe windstorm in the late afternoon. Thirty-three calls for service were received, primarily for fallen trees, several of which were serious. City crews were able to stabilize all situations by 1:30 a.m. and, within the next two days, everything was taken care of with minimal property damage.

2. The City Manager introduced Burke LaClair, the new management intern who will be working on a number of projects in the coming year.

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3. The City was pleased to host 35 Japanese visitors today, including mayors from different cities in Japan. Mayor Duncan and Councilmember Krasnow were able to join in this very productive exchange of information.

4. The Courthouse Square project has been completed, and the four short-term parking spaces have been installed. They are being used regularly, and the one-half hour parking limit is being vigorously enforced. The project includes umbrella tables which are used extensively, particularly for the noon time concerts. There is also a new mural and identifier signs to focus on upcoming events. This is a very successful project thus far, and staff will continue to monitor the square, particularly with respect to its pedestrian friendly nature. As feedback becomes available, it will be transmitted to the Mayor and Council.

Re: Proclamation recognizing  
the first anniversary of the  
Calling on America  
C a m p a i g n a n d  
implementation of the  
Americans with Disabilities  
Act.

Proclamation No. 18-92

By a unanimous vote of the Mayor and Council, July 26, 1992, was declared "Calling On America Day" in Rockville. Councilmember Robbins read the Proclamation, the full text of which can be found in Proclamation File No. 7 of the Mayor and Council. Representatives of the Calling on American Campaign accepted the Proclamation.

Last July, the Rockville Human Rights Commission joined in a nationwide campaign, Calling on America, designed to bring about full and equal participation of citizens with disabilities in all aspects of life.

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Councilmember Coyle referenced a project of the National Association of Home Builders which demonstrates how you can design and build a house at a moderate cost to provide accessibility and adaptability for individuals with disabilities. The demonstration home is located in Prince George's County and its features are adjustable to meet the needs of its occupants.

Re: Citizens Forum

At this time, the Mayor opened the meeting to hear from any citizen who wished to address the Mayor and Council.

1. Gloria Poole, Richard Montgomery High School Centennial Committee, thanked the Mayor and Council and staff for the consideration given the school during the celebration of its centennial activities. She also indicated that the tribute at the July 4 celebration was delightful.

Mayor Duncan advised that the Mayor and Council would be making a presentation to a couple of teachers from Richard Montgomery in September and she would be asked to attend.

There being no other citizens wishing to be heard, the Mayor closed the Citizens Forum portion of the meeting.

Re: Appointments

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Jerome Loux was appointed to the vacancy on the Planning Commission, which term expires in January 1996.

Re: Approval of Minutes

Upon motion of Councilmember Robbins, duly seconded, with Mayor Duncan abstaining as he was not present at the meeting, the minutes of Meeting No. 26-92 (June 22, 1992) were approved, as written.

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Re: Consent Agenda

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, the following Consent Agenda Items were approved:

- A. Award of Bid No. 2-93, Smoothseal Pavement Resurfacing Contract, to A. H. Smith Asphalt Paving Company, Rockville, Maryland, for the low bid amount of \$552,193.20.

The favorable low bid of \$36.80 per ton for asphalt was below the engineer's estimate of \$40 per ton and well below the budget appropriation.

- B. Approval of modification to Bid No. 62-92, Restroom Renovation Projects at Hillcrest, Calvin and Maryvale Parks, awarded to Smith and Haines, Inc.

An increase of \$21,297 in the original bid is necessary in order to construct a "floating type" foundation at Calvin Park and remove and replace poor soil and upsize interior block walls at all three sites.

- C. Approval of sole source requirements contract to G.L. Cornell, Inc., in the amount of \$50,000 for Fiscal Year 93.

This sole source requirements contract provides for purchase of parts and repairs to specialty equipment, including aerators, blowers, mowers, irrigation equipment, sprayers and small

tractors used by the Parks Division and the Redgate Golf Course staff. G. L. Cornell, Inc. has provided parts and service to the City for over ten years. A considerable, ongoing need is anticipated for equipment parts and specialty repairs for equipment through this company.

- D. Adoption of Resolution No. 9-92, the full text of which can be found in Resolution Book No. 10 of the Mayor and Council, to approve a request for a parking requirement reduction for the Hungerford Plaza complex in order to accommodate an outdoor dining area for the Taste of Saigon restaurant.
- E. Introduction of Resolution to amend Section 1 of Article II, "The Mayor and Council" of the Charter of the City of Rockville so as to provide that the procedure for establishing annual stipends for the Mayor and Councilmembers shall be established by ordinance, and to make certain technical clarifications.
- F. Introduction of Ordinance to establish a Compensation Commission to review the compensation of the Mayor and Council every six years and to make recommendations thereon, and to provide for the automatic adoption of the Commission's recommendation if the Mayor and Council fails to take certain action.

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Re: Adoption of Ordinance to adopt Text Amendment Application T-122-91, Vernon H. Miller, Applicant.

This application requests amendments to the Town Center section of the Zoning Ordinance to allow greater retail use opportunities in the TCO-1 Zone and to allow parking reductions in the TCO-1 Zone in the same manner as the other Town Center zones.

Ordinance No. 11-92

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, Ordinance No. 11-92, the full text of which can be found in Ordinance Book No. 17 of the Mayor and Council, was adopted to grant Text Amendment Application T-122-91, Vernon H. Miller, Applicant, amending the Town Center section of the Zoning Ordinance to allow greater retail use opportunities in the TCO-1 Zone in the same manner as the other Town Center zones.

Re: Approval to submit the City's 1993 legislative proposal to the Maryland Municipal League Legislative Committee.

These proposals will be considered along with others for inclusion in the MML 1993 legislative priority package. Rick Kuckkahn, Assistant City Manager, advised that seven issues are being submitted by Rockville, and the City continues to be very effective in lobbying for MML issues and our own. He described the issues as follows:

- o requiring the state to provide monies when mandating programs to local jurisdictions.

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Increasing state mandates are creating fiscal problems within local jurisdictions and, under the current economic conditions, will cause increasingly severe problems in those units providing basic services.

- o doubling the fine amounts on State of Maryland and municipal citations for persons failing to appear for trial. There is usually a continuance granted with no additional fine or penalty. However, if the officer fails to appear, the case is immediately dropped and the defendant is free of any further prosecution. The doubling of fines for infractions and fail to appear would serve as a deterrent and help ensure payment or court appearance.

- o permitting cities to take possession of land for public projects where negotiations with the landowner have failed. This would reduce the pressure to settle the land for more than market value and avoid costly delays in construction.

- o creating a state fund which would be financed by projects impacting wetlands areas throughout the state. This money would be used to purchase existing viable wetlands and other environmentally sensitive sites. Rockville has virtually no land within the city limits available for wetlands.

- o permitting more restaurant operators and owners in Montgomery County to obtain more than one liquor license, authorizing an additional license in the Rockville Town Center only. This legislation is much the same as legislation obtained last year in Silver Spring.

Restaurants with franchises already in Montgomery County could go over the maximum number allowed in the county to locate in downtown Rockville.

Mayor Duncan questioned why this issue was being submitted through the Maryland Municipal League inasmuch as it is a Rockville only issue. Mr. Kuckkahn responded that the League would do a considerable amount of the research and summarize issues for the City. The issue could

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always be withdrawn from the League's proposal at a later time and the City could pursue on its own.

- o requiring public utilities to cooperate fully with local government construction projects affecting the health, safety and welfare of residents. This legislation would allow the City to move utilities more toward the City's time frames, particularly with respect to major road projects.

- o providing for the transfer of surplus public property within an incorporated municipality to that municipality in the same manner as county governments acquire such property. This issue addresses the purchase of school sites now controlled directly by the County. Such legislation would give the City the authority and power to purchase this property with the approval of the State.

Councilmember Coyle referenced the proposal to double the amount of fines and asked if the issue of the City being the recipient of the fines would fall into this category. Staff responded no; however, this issue was submitted last year to Maryland Municipal League and was not selected as a priority issue. It was agreed that the issue would be set aside for one year and brought back again.

Both Councilmember Coyle and Councilmember Marrinan indicated support for the inclusion of the proposal to allow cities to receive the monies from ticket fines, and it was agreed that this issue would be added to the other proposals being submitted to MML.

With respect to the mandated programs and the possibility of setting up an interest-free revolving fund, Councilmember Coyle commented that he favors this suggestion. However, he does not like the use of the term "environmentalist" in the description of this alternative.

Regarding the suggestion for creation of an intergovernmental agency to review unintended impacts of current legislation, Councilmember Coyle believes that average citizens should serve on such a committee rather than governmental representatives.



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Councilmember Marrinan commented that, during a workshop at the recent Maryland Municipal League annual meeting, it was reported that 15 states currently have legislation providing for state funding of mandated programs and that this proposal is not unique or unusual.

Councilmember Coyle voiced concern with the proposal to authorize "quick take" powers to municipalities. Mr. Kuckkahn explained that, if the City needs a particular piece of property, this legislation would permit the City to take possession of such property in an orderly fashion and to equitably compensate the landowner. A determination as to the need to proceed to "quick take" of property would be made by the Mayor and Council.

The City Attorney reviewed the quick take process, advising that an appraisal of the property would be conducted and funds to cover the fair market value deposited in the court registry pending a condemnation trial. Because of the current backlog in the court system, if a landowner and the City are unable to agree upon a price, the City could move forward with a project pending a settlement or trial. It was pointed out that the Mayor and Council would be required to adopt a resolution approving such a "quick take" and that such an action would not adversely impact a landowner.

Councilmember Krasnow noted the importance of the proposal regarding the wetlands. Since Rockville doesn't have available land for wetlands, creating a state fund would provide a more practical means for the State to deal with this issue rather than its current piecemeal approach.

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, the proposed issues to be submitted for inclusion in the MML 1993 legislative priority package were approved, with the addition of the issue to allow municipalities to retain monies collected from ticket fines and the two language changes suggested by Councilmember Coyle.

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Re: Discussion and Instructions  
to Staff - Map Amendment  
Application M-58-92,  
Maung Tin and Mya Nwe  
Hlaing, Applicants.

This application requests  
zoning reclassification from  
the R-E, Residential Estate,  
Zone to the R-S, Suburban  
Residential, Zone for a  
52,141 square foot lot at the  
corner of Glen Mill Road  
and Veirs Drive.

Mayor Duncan noted that both the Planning Commission and staff have recommended denial of this zoning reclassification request. Upon motion of Councilmember Coyle, duly seconded and unanimously passed, staff was instructed to prepare the necessary documentation to deny Map Amendment Application M-58-92, Maung Tin and Mya Nwe Hlaing, Applicants.

Re: FYI/Correspondence

Letter from Richard Montgomery High School

Mayor Duncan noted Dr. Quelet's appreciation for inclusion of the RMHS 100th anniversary display in the July 4 fireworks. He commended staff for the outstanding fireworks which were even better than last year's.

Re: New Business

Councilmember Coyle has received an invitation from the National League of Cities to participate in a national videoconference on Children, Families and Cities on Thursday, July 16. He will be in the Washington, D.C. office, and there will be seven other cities participating in the conference. This invitation is a direct response to the City's presentation on "Building a Family-Friendly Community" at NLC's Annual Congressional Cities Conference in March.

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Re: Next Meeting

There will be three public hearings next Monday evening, July 20: a text amendment application to remove the prohibition from filing a map amendment in the Rockville Pike Commercial Zone; an application to close and abandon an alleyway on N. Van Buren Street; and a petition to create a permit parking district on Harrison Street.

Re: Adjournment

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the meeting was adjourned at 8:08 p.m., to convene again in Public Hearing on Monday, July 20, 1992, at 7:30 p.m., or at the call of the Mayor.